



17 MAR 2008

BSH HOME APPLIANCES CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
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NEW BERN NC 28562

In re Application of  
Magg et al.  
Application No. 10/587,226  
PCT No.: PCT/EP04/06928  
Int. Filing Date: 25 June 2004  
Priority Date: 30 January 2004  
Atty. Docket No.: 2004P00819WOUS  
For: Brewing Chamber For A Coffee  
Machine, And A Coffee Machine

DECISION

This is in response to the petition under 37 CFR 1.182 filed on 01 February 2008.

### DISCUSSION

In a Decision mailed on 10 December 2007, the declaration filed on 24 July 2006 was not accepted because

...it nominates "Johann Magg" in place of "MAGG, Johannes" who was named in the published international application. Counsel attributes this discrepancy to a typographical error made during the international phase, and indicates that the spelling appearing on the Declaration document is the correct spelling of the inventor's name...

In response, applicants have filed the instant petition which states that "Mr. Magg's valid first name in Germany is Johann," and attributes the alternative spelling appearing in the published international application to error. Based on the totality of the circumstances present in this case, including petitioner's statements, it would be appropriate to accept the declaration filed on 24 July 2006 as compliant with 37 CFR 1.497(a) and (b).

### DECISION

The petition is GRANTED.

This application is being forwarded to the Office of Patent Application Processing for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is 24 July 2006.

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